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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Daniel Paris, et al.

Serial No.: 09/743,781

Group Art Unit: 1614

Filed: 03/28/01

Examiner: Delacroix Muirhei,
Cybille

For: MODULATION OF THE PHOSPHOLIPASE
A2 PATHWAY AS A THERAPEUTIC

Attorney Docket No: 0152.00391

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated October 2, 2002, Paper Number 9. Restriction to one of the following Groups was required under 35 USC §121:

- I. Claims 1-3, drawn to a method of modifying vasoactivity.
- II. Claims 5-15, drawn to treatment methods and pharmaceutical compositions.
- III. Claims 16-18, drawn to a diagnostic method.
- IV. Claims 19-21, drawn to a method for modifying inflammatory reactions.

Applicants provisionally elect Group I, claims 1-3, for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 4-21 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All

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of the groups of claims relate to modifying vasoactivity and pharmaceuticals arising therefrom. Moreover, all are classified in similar classes. Since there is a great amount of cross-classification amongst these classes, it is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants have elected the claims of Group I and provisionally withdraw claims 4-21, without prejudice, pending reconsideration of the restriction requirement.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

The application is now in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted,

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Dated: October 30, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on October 30, 2002.


Connie Herty